

**SAGUACHE COUNTY, COLORADO
RESOLUTION NO. 2012-LU-08****A RESOLUTION TO CORRECT CERTAIN ERRORS AND OMISSIONS IN RESOLUTION
2012-LU-6 AS APPROVED BY SAGUACHE COUNTY ON APRIL 3, 2012**

WHEREAS, on April 3, 2012, the Board of County Commissioners of Saguache County, Colorado approved Resolution No. 2012-LU-6 (the "Resolution") granting a permit to conduct an Activity of State Interest in an Area of State Interest to Saguache Solar Energy, LLC ("Applicant"); and

WHEREAS, the Resolution was recorded in the Office of the Saguache County Clerk and Recorder on April 3, 2012 at Reception No. 371403; and

WHEREAS, the written version of the Resolution failed to incorporate all of the findings required by the Saguache County Guidelines and Regulations for Areas and Activities of State Interest (the "1041 Regulations"), even though such findings were made by the Board of County Commissioners at the time the Resolution was approved; and

WHEREAS, the Board wishes the record to be clear that in approving the Resolution, it determined that all of the criteria set forth in Section 13-306(1) of the 1041 Regulations had been met including, without limitation, subsection 13-306(1)(d); and

WHEREAS, the Board has further determined that the form of permit attached to the Resolution contained certain provisions that are inconsistent with the Development Agreement approved by the Board on April 3, 2012, and wishes to revise the form of permit accordingly.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Saguache County as follows:

1. At the time it approved the Resolution, the Board determined that all of the approval criteria contained in Section 13-306(1) of the Saguache County 1041 Regulations had been satisfied.
2. The form 1041 Permit issued to Applicant shall be as set forth as the attached.
3. This Resolution shall not change the effective date of the County's final approval of the Resolution or the Permit, which shall be April 3, 2012.

ADOPTED AND APPROVED this 17th day of April, 2012, *nunc pro tunc* April 3, 2012.

BOARD OF COUNTY COMMISSIONERS


Chairman

COUNTY OF COLORADO)
COUNTY OF SAGUACHE) ss.
COUNTY OF SAGUACHE)

ATTEST:

The above is a true and correct record of Resolution 2012-LU-48 duly adopted by the Board of County Commissioners of Saguache County at a regular meeting, properly noticed and held on April 17, 2012, *nun pro tunc* April 3, 2012.


Saguache County Clerk



PERMIT ISSUED TO CONDUCT DESIGNATED ACTIVITY OF STATE INTEREST
OR
TO ENGAGE IN DEVELOPMENT IN A DESIGNATED AREA OF STATE INTEREST
IN
COUNTY OF SAGUACHE, COLORADO

Pursuant to Administrative and Permit Regulations heretofore adopted by the Board of County Commissioners of the County of Saguache, the County has received an application from Saguache Solar Energy LLC, (hereinafter called "Applicant") for a permit involving the following matter(s) of state interest: Construction and operation of an electric generating facility using concentrating solar thermal technology and has approved that application.


This permit authorizes the Applicant:

1. To: (a). Construct the electric generating facility for the project, including but not limited to two towers, the heliostats and associated buildings and infra-structure, (b). operate the electric generating facility.
2. On the following-described tract of land: Attached hereto as **Exhibit 1**.
3. The permit is valid indefinitely for the life of the Saguache Solar Energy Project, provided Applicant is in compliance with this permit.
4. The electric generating facility shall be constructed and operated in accordance with the application approved by the Permit Authority on March 26, 2012, including all conditions and the terms of the Development Agreement, as well as the guidelines for administration adopted by the County for 1041 regulations.
5. Applicant shall provide the Decommissioning Security as set forth in the Development Agreement.

This permit shall not be effective until:

30 days from April 3, 2012, or after any appeal of the Permit Authority's decision has been finally resolved in the appropriate court of law, whichever is later.

Date: April 3, 2012



Chairman
Board of County Commissioners
Saguache County

Exhibit 1: Legal Description

**PURSUANT TO REAL STATE PURCHASE OPTION AGREEMENT
PROPERTY OF WIJAYA COLORADO, LLC**

ALL IN TOWNSHIP 41 NORTH, RANGE 9 EAST, N.M.P.M. COUNTY OF SAGUACHE, STATE OF COLORADO

NW-1/4 and SW-1/4 of Section 16 (~320 acres)

**PURSUANT TO REAL ESTATE PURCHASE OPTION AGREEMENT
PROPERTY OF SKYLINE LAND COMPANY, LLC**

ALL IN TOWNSHIP 41 NORTH, RANGE 9 EAST, N.M.P.M. COUNTY OF SAGUACHE, STATE OF COLORADO

Section 3: All (~640 acres)

Section 10: N-1/2 (~320 acres)

Section 17: All (~640 acres)

**PURSUANT TO REAL ESTATE PURCHASE OPTION AGREEMENT
PROPERTY OF SAM INVESTMENTS, INC.,
ERNEST MYERS AND VIRGINIA MYERS**

Ernest M. Myers and Virginia K. Myers

ALL IN TOWNSHIP 41 NORTH, RANGE 9 EAST, N.M.P.M. COUNTY OF SAGUACHE, STATE OF COLORADO

E-1/2 of SE-1/4 of Section 7 (~80 acres)

SW-1/4, S-1/2 of NW-1/4, and S-1/2 of NE-1/4 of Section 8 (~320 acres)

Sam Investments, Inc.

ALL IN TOWNSHIP 41, NORTH 41 NORTH, RANGE 9 EAST, N.M.P.M. COUNTY OF SAGUACHE, STATE OF COLORADO

SE-1/4 of Section 8 (~160 acres)

All of Section 4 (~640 acres)

All of Section 9 (~640 acres)

E-1/2 of NE-1/4, and NE-1/4 of SE-1/4 of Section 18 (~120 acres)

**REAL ESTATE PURCHASE OPTION AGREEMENT
PROPERTY OF MOUNTAIN COAST ENTERPRISES, LLC**

ALL IN TOWNSHIP 41 NORTH, RANGE 9 EAST, N.M.P.M. COUNTY OF SAGUACHE, STATE
OF COLORADO

S-1/2 of Section 10 (~320 acres)

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Exhibit 1- 2